

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3502 OF 2023
IN
FIRST APPEAL NO. 809 OF 2019

Uma W/o. Subhash Farate & Ors. ...Applicants

IN THE MATTER BETWEEN

Karnataka State Road Transport Corporation ...Appellant

Versus

Uma W/o. Subhash Farate & Ors. ...Respondents

Mr. Mahadeo A. Choudhari for the Applicants/Respondents.

Mr. C. M. Lokesh for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th APRIL, 2023.

P. C. :

1. Learned Counsel for the Applicants submits that the deceased was sole earning member of the Applicants' family. Applicants have not received any compensation amount from the date of accident. Applicants need the amount for daily expenses. Applicants have no source of income. Hence, requested to allow the Application.

2. Learned Counsel for the Appellant strongly objected to allow the Application on the ground that the accident was caused due to the sole negligence of the deceased, but this fact was not considered by the

Tribunal. The Tribunal has considered monthly income of the deceased on higher side. Hence, requested to dismiss the Application.

3. I have heard both learned Counsel.

4. Deceased was the sole earning member of the Applicants' family. Applicants have no source of income. Applicants need the amount for daily expenses. The issue raised by the learned Counsel for the Appellant can be considered at the time of final hearing of the Appeal. Hence, I pass following order :

ORDER

- i. Application is allowed.
- ii. The Applicants are permitted to withdraw 50% amount out of deposited amount alongwith accrued interest thereon, on furnishing an undertaking.
- iii. Application is disposed of.

(SHIVKUMAR DIGE, J.)